

**FILED**

Samuel L. Kay, Clerk  
United States Bankruptcy Court  
Augusta, Georgia  
By jpayton at 3:33 pm, Feb 21, 2012

**IN THE UNITED STATES BANKRUPTCY COURT**

**FOR THE**

**SOUTHERN DISTRICT OF GEORGIA  
Augusta Division**

IN RE:	)	Chapter 13 Case
HUBERT F. LAMBERT, JR.	)	Number 11-12030
KATHY S. LAMBERT	)	
	)	
Debtors	)	
_____	)	

**ORDER**

Before the Court is the Objection to Confirmation filed by the Chapter 13 Trustee ("Trustee"). The Trustee had several objections to confirmation pertaining to Debtors' means test form, Form 22C. At the confirmation hearing, Hubert F. Lambert, Jr. and Kathy S. Lambert ("Debtors") provided an itemized list of business income and expenses. After reviewing the statement and considering the testimony, the Trustee's only remaining objection involves whether a self-employed debtor may take a deduction for business expenses on Line 3b of Form 22C. For the reasons discussed below, the objection is dismissed as moot.

A chapter 13 plan may not be confirmed if it does not provide for "all of the debtor's projected disposable income to be received in the applicable commitment period . . . be applied to make payments to unsecured creditors under the plan." 11 U.S.C. §1325(b)(1)(B). Debtors have proposed a 60 month plan and argue the

Trustee's objection is moot because Debtors have a negative disposable income even if the Court sustains the Trustee's objection. I agree. Furthermore, the Trustee's post-hearing brief acknowledges the same.

While I agree with the Trustee that the proper completion of bankruptcy forms is vital to the proper operation of the system, the requested changes have no impact in the administration of this particular case. See generally In re Glisson, 430 B.R. 920, 924 (Bankr. S.D. Ga. 2009) (mooting the trustee's objection and stating "[T]here is no material difference between a monthly disposable income of -(\$24.18) and a monthly disposable income of -(\$526.18) . . . [N]othing is left."). This is because the Debtors already propose a 60 month plan and their means test reflects a negative disposable income regardless of where these deductions are taken. There are no bad faith allegations against the Debtors or their counsel. Notwithstanding the foregoing, counsel is held to the ethical standards of the case law precedent and the provisions of the Bankruptcy Code and Rules, including Rule 9011. This opinion in no way diminishes the importance of accurate presentation of the data; rather, it acknowledges that after analyzing the data presented at the hearing, the argument has no effect upon the terms of this proposed chapter 13 plan.

For the foregoing reasons, the Trustee's Objection to

Confirmation is ORDERED dismissed as MOOT. The Clerk is directed to set a continued confirmation hearing at the next available date and time.



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SUSAN D. BARRETT  
CHIEF UNITED STATES BANKRUPTCY JUDGE

Dated at Augusta, Georgia  
this 21<sup>st</sup> Day of February 2012.